

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, APRIL 7, 1992  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Deputy Mayor Roberts at 10:25 a.m. The meeting was recessed by Deputy Mayor Roberts at 12:18 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 3:11 p.m. with Council Members Roberts, Behr and Filner not present. Mayor O'Connor recessed the meeting at 3:36 p.m. to convene the Redevelopment Agency. Mayor O'Connor reconvened the meeting at 4:27 p.m. with Council Members Roberts and Filner not present. Mayor O'Connor adjourned the meeting at 4:33 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

Clerk-Fishkin (ll/mc)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Fishkin called the roll:

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(M) Mayor O'Connor-not present  
(1) Council Member Wolfsheimer-present  
(2) Council Member Roberts-present  
(3) Council Member Hartley-present  
(4) Council Member Stevens-present  
(5) Council Member Behr-present  
(6) Council Member Stallings-present  
(7) Council Member McCarty-not present  
(8) Council Member Filner-not present

PUBLIC COMMENT:

None.

ITEM-116: (R-92-1286) CONTINUED TO APRIL 21, 1992

Authorizing the City Treasurer to deposit excess funds of the City in the San Diego County Treasury at the City Treasurer's discretion.

CITY MANAGER SUPPORTING INFORMATION: State law now allows municipalities to invest in County Treasury pools, subject to approval of the City Council. The City Treasurer is requesting Council authorization to deposit a portion of excess City funds with the County Treasury. The Treasurer currently has similar authority to invest funds in the State pool. As interest rates fluctuate from year to year, there are opportunities for the City Treasurer to take advantage of interest rate differences between short-term market investment alternatives and the County Treasurer's pool. This option could result in more interest earnings for the City, depending on the interest rate environment.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A037-062; A148-247.)

MOTION BY BEHR TO CONTINUE TO APRIL 21, 1992 TO ALLOW STAFF TIME TO REVIEW AND COME BACK TO COUNCIL WITH A REPORT INDICATING ANY CONSEQUENCES, UNDER ANY CIRCUMSTANCE, THAT MAY OCCUR TO THE CITY'S MONEY IN THE EVENT THAT THE COUNTY SUFFERS FINANCIAL DIFFICULTY OR A THIRD PARTY LAWSUIT TO THE COUNTY WHICH MAY TIE UP THIS INVESTMENT POOL. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor

O'Connor-not present.

ITEM-203: (O-92-51) ADOPTED AS ORDINANCE O-17756 (New Series)

(Continued from the meetings of February 18, 1992, Item 50, and March 16, 1992, Item 200; last continued at the City Manager's request, for additional time in order to continue working with the Port District on an Indemnity Agreement.)

Adoption of an Ordinance amending Chapter X, Article 1, Division 4, of the San Diego Municipal Code by amending Section 101.0445, relating to the Airport Overlay Zone.

(District-2. Introduced as amended on 2/4/92. Council voted 8-0. District 8 not present.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D101-174; E475-F021.)

MOTION BY BEHR TO DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-nay, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-nay.

ITEM-310: (R-92-1371) ADOPTED AS RESOLUTION R-279734

Declaring April 1992 to be "Smooth Operator Month" in San Diego;

Acknowledging that smooth operator month shall serve as a public awareness campaign to encourage drivers to "Be A Smooth Operator."

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A106-140.)

MOTION BY McCARTY TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-311: WELCOMED

Welcoming a group of approximately 30 students from Emerson Elementary, accompanied by their teacher, Muriel Warren. This group will arrive at approximately 10:30 a.m.

(District-4.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A017-033.)

ITEM-330: (R-92-1372) ADOPTED AS RESOLUTION R-279735

Declaring April 7, through 13, 1992 to be "American City Quality Week"; raising public awareness about the status and future of America's cities and focusing public attention on the value of planning in improving the quality of life.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-097.)

MOTION BY BEHR TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-331: (R-92-1348) ADOPTED AS RESOLUTION R-279740

Matter of consideration for approval of the proposed Regional Growth Management Strategy.

On January 24, 1992, the SANDAG Board of Directors recommended approval of the Revised Regional Growth Management Strategy to the local jurisdictions, including the region's 18 cities and the County of San Diego. The Strategy initiated by voter approval of the Proposition C advisory measure in November 1988 has been developed with extensive input from the local governments within the region.

It includes quality of life standards and objectives and a proposed local government self-certification process to determine local/regional consistency. The strategy as proposed constitutes a basic framework which may be revised or expanded upon in the future, subject to approval by both SANDAG and local jurisdictions including the City of San Diego.

The proposed Revised Regional Growth Management Strategy also constitutes an amendment to the City of San Diego's Local Coastal Program. If approved by the City Council, the proposed Local Coastal Program Amendment must be submitted to the California Coastal Commission for review and final approval. The proposed Local Coastal Program amendment would not become effective until after approval by the California Coastal Commission.

Adoption of a Resolution approving the revised Regional Growth Management Strategy.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D175-270.)

Hearing began at 3:26 p.m. and halted at 3:33 p.m.

MOTION BY McCARTY TO ADOPT THE RESOLUTION AND NOTE FOR THE RECORD THAT THE ENVIRONMENTAL NEGATIVE DECLARATION PREPARED AND CERTIFIED BY SANDAG HAS BEEN REVIEWED. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-332: (R-92-1678) ADOPTED AS AMENDED AS RESOLUTION  
R-279736

Adoption of a Resolution approving the requirements for correctional placement centers.

(City-wide.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A248-C437.)

Hearing began 10:44 a.m. and halted 12:16 p.m.

Testimony in favor by Michel Anderson, Ernie Wright, Bob Glaser, Opal Trueblood, Verna Quinn, Hedy St. John, Renaldo Pisano.

Testimony in opposition by Ben Foley, Valerie Sullivan and Gary Rogers.

MOTION BY HARTLEY TO APPROVE THE MANAGER'S RECOMMENDATIONS INCLUDED IN MANAGER'S REPORT NO. P-92-107 AND ADDITIONAL CHANGES IN SEVERO ESQUIVEL'S MEMO, DATED APRIL 6, 1992 WITH THE FOLLOWING AMENDMENTS: 1. A COORDINATOR WILL BE HIRED TO ENFORCE RULES AND REGULATIONS; 2. AN AUDIT OF RECORDS WILL BE CONDUCTED ON A MONTHLY BASIS; 3. CUP PROCESS TO BE ON A DISCRETIONARY LEVEL VERSUS RIGHTS AND WILL BE BASED UPON, AND TAILOR-MADE FOR EACH FACILITY, ITS SIZE, INSURANCE (DEPENDING UPON THE TYPE OF LOCATION), PHASING, CAPACITY, ETC; 4. A REPORT WILL BE BROUGHT BACK TO COUNCIL IN ONE YEAR AS TO THE FISCAL IMPACT OF STAFFING AND TOTAL COST OF OPERATION AND ITS EFFECTIVENESS FOR EACH FACILITY. Second by Wolfsheimer. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ADDITIONAL BUSINESS: (R-91- ) CONTINUED TO APRIL 21,  
1992

During consideration of the above regular business item, the following additional business was discussed:

An Emergency Ordinance which deals with the issue of whether there is an emergency that authorizes the ordinance to become effective immediately in the coastal zone.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: A248-C437; D026-D100.)

Motion by Roberts to direct the City Attorney to prepare an emergency ordinance and bring back to Council for adoption on April 21, 1992. Second by Stallings. Vote trailed to p.m. meeting due to lack of a quorum.

Hearing began at 3:13 p.m. and halted at 3:21 p.m.

MOTION BY HARTLEY TO CONTINUE TO APRIL 21, 1992 TO APPEAR ON THE COUNCIL AGENDA SO THAT COUNCIL CAN LEGALLY ACT ON IT; DIRECT THE CITY ATTORNEY TO PREPARE AN EMERGENCY ORDINANCE WITH THE PROVISION THAT WILL MAKE THE ORDINANCE EFFECTIVE

EVEN THOUGH THE COASTAL COMMISSION HAS NOT ACTED ON IT.  
Second by McCarty. Passed by the following vote:  
Wolfsheimer-yea, Roberts-not present, Hartley-yea,  
Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea,  
Filner-not present, Mayor O'Connor-yea.

ITEM-333: (R-92-1319) ADOPTED AS RESOLUTION R-279741

Authorizing the transfer of \$220,000 in Community  
Development Block Grant Funds to the Redevelopment  
Agency for the Barrio Logan Redevelopment Project  
(\$150,000) and City Heights Redevelopment Project  
(\$70,000).

(Barrio Logan/Harbor 101 and Mid-City Community Areas.  
Districts-3 and 8.)

CITY MANAGER SUPPORTING INFORMATION: The FY 1992 Redevelopment  
Agency budget for the Barrio Logan and City Heights Redevelopment  
Projects are inadequate to complete all necessary activities this  
fiscal year. Staff has investigated the availability of  
Community Development Block Grant (CDBG) funds and has identified  
potential sources to augment these projects. The Gaslamp  
Revolving Loan Program, which has been inactive for several  
years, currently has a balance of \$150,000. These funds, which  
had been on deposit with a local bank, have been withdrawn and  
are in the City's CDBG program income account. Staff is  
requesting that these funds be reprogrammed to the Barrio Logan  
Redevelopment Project. Also, there are funds available from  
prior year allocations for CDBG Administration. Staff is  
requesting that \$70,000 of these funds be reprogrammed to the  
City Heights Redevelopment Project.

Aud. Cert. 9200689.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D271-309.)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Stallings.  
Passed by the following vote: Wolfsheimer-yea, Roberts-not  
present, Hartley-yea, Stevens-not present, Behr-yea,  
Stallings-yea, McCarty-yea, Filner-not present, Mayor  
O'Connor-yea.

ITEM-334: (O-92-123) INTRODUCED AND ADOPTED AS ORDINANCE

O-17755 (New Series)

Introduction and adoption of an Ordinance amending Ordinance O-17667 (New Series), as amended, entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 1991-92 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending the personnel authorization of the City Manager's Office (040) to exempt a new Assistant to the Executive Director position for the Human Relations Commission (601) from the Classified Service; and establishing a salary rate.

CITY MANAGER SUPPORTING INFORMATION: The proposed ordinance will convert the position of Associate Administrative Analyst to Assistant to Executive Director and exempt this position from the Classified Service. The Civil Service Commission, in its advisory capacity, approved this position on February 6, 1992. The Assistant to the Executive Director will assist the Executive Director of the Human Relations Commission in providing administrative support and technical assistance to the Commission, and in developing and implementing policies related to the Commission's programs. She/he will also investigate complaints of discrimination and hate violence, conduct special investigations of community-wide discrimination problems, and devise methods and coordinate efforts to respond effectively to hate violence.

NOTE: See Item 200 on the docket of Monday, April 6, 1992, for the first public hearing. Today's action is the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A090-097.)

MOTION BY BEHR TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT THE ORDINANCE. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-S404: (R-92-1529 Rev.1) ADOPTED AS AMENDED AS  
RESOLUTION R-279737

Incorporating actions one, three, four, seven, eight, nine and ten of the Small Business Prosperity Program, as outlined in City Manager Report CMR-92-116, into the



economic development policy, program and financing plan to be returned to Council in May 1992; and directing the remaining actions (two, five and six) to the appropriate office(s) for additional review and comment.

(See City Manager Report CMR-92-116.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A069-089.)

MOTION BY STEVENS TO ADOPT AS AMENDED AS FOLLOWS:  
INCORPORATE ACTIONS TWO, FIVE AND SIX OF THE SMALL BUSINESS PROSPERITY PROGRAM, AS OUTLINED IN CITY MANAGER REPORT CMR-92-116, INTO THE ECONOMIC DEVELOPMENT POLICY, PROGRAM AND FINANCING PLAN TO BE RETURNED TO COUNCIL IN MAY 1992, ALONG WITH ACTIONS ONE, THREE, FOUR, SEVEN, EIGHT, NINE AND TEN. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-S500: CONTINUED TO APRIL 20, 1992

(Continued from the meetings of March 24, 1992, Item 333, and March 31, 1992, Item S501; last continued at Councilmember Behr's request, to sort out the final details.)

Appeal of Village and Country Properties, by Donald R. Worley, of Worley, Schwartz, Garfield & Rice, from the decision of the Planning Commission in denying Vesting Tentative Map VTM-88-0767 and Planned Residential Development Permit PRD-88-0767 (Rancho La Cresta), proposing to subdivide the 162.8-acre site into 382 lots for the construction of 367 detached single-family residential units. The subject property is located west of Pomerado Road, approximately 0.9 miles south of Poway Road in Zones A-1-10, R-1-6000, R-3000 and HR, in the Scripps Miramar Ranch Community Plan area, and is more particularly described as the northeast quarter of Section 27, Township 14 South, Range 2 West, S.B.B.M. (VTM & PRD-88-0767. District-5.)

Subitem-A: (R-92- )

Adoption of a Resolution certifying that the information contained in the Addendum No. 91-0619 to Environmental Impact Report EIR-84-0744 and Supplemental No. 88-0767 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said report has been reviewed and considered by the Council; and adopting appropriate findings of mitigation, feasibility or project alternatives and statement of overriding considerations pursuant to California Public Resources Code Section 21081.

Subitem-B: (R-92- )

Adoption of a Resolution granting or denying the appeal and granting or denying the map, with appropriate findings to support Council action.

Subitem-C: (R-92- )

Adoption of a Resolution granting or denying the appeal and granting or denying the permit, with appropriate findings to support Council action.

FILE LOCATION: Subitems A & C: PERM - PRD-88-0767; Subitem  
B: SUBD - Rancho La Cresta

COUNCIL ACTION: (Tape location: D011-023.)

MOTION BY BEHR TO CONTINUE TO APRIL 20, 1992 DUE TO ACTIONS TAKEN IN CLOSED SESSION. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-CS-1: (R-92-1550) ADOPTED AS RESOLUTION R-279738

A Resolution adopted by the City Council in Closed Session on Tuesday, April 7, 1992:

Authorizing the Auditor and Comptroller to expend from Fund 100, Dept. No. 601, Org. No. 106, Account No. 4824, Job Order No. 060106 the sum of \$8,520 for the sole and exclusive purpose of paying attorneys fees and costs incurred in Henderson v. Abdelnour.

Aud.Cert. 9200747.

FILE LOCATION: MEET

ITEM-CS-2: (R-92-1583) ADOPTED AS RESOLUTION R-279739

A Resolution adopted by the City Council in Closed Session on Tuesday, April 7, 1992:

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$231,679 from Capital Outlay Unallocated Reserve Fund No. 902450 to supplement CIP No. 372390, Aero Drive Industrial Park - Lot 4 Site Improvements. This expenditure is hereby authorized solely and exclusively for the purpose of providing funds for the above project.

A.C. 9200791.

FILE LOCATION: MEET

ITEM-CS-3: (R-92-1533) ADOPTED AS RESOLUTION R-279742

A Resolution adopted by the City Council in Closed Session on Tuesday, April 7, 1992:

Authorizing the City Manager to pay the total sum of \$20,352.42 in the settlement of each and every claim against the City, its agents and employees, resulting from property damage to Marion Moyer; authorizing the City Auditor and Comptroller to issue a check in the amount of \$9,107.36 to Luth and Turley, Inc.

Aud.Cert. 9200767.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Chairperson Wolfsheimer at 4:33  
p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: F023.)